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corresponding to the conclusion the Examiner draws in the Office Action. Nothing in the reference even hints at the springs 52, 54 responding to tensions above and below a selected threshold as suggested by the Examiner. The only statements regarding the springs 52 and 54 are found in column 4, lines 41-58 and column 8, lines 20-26. Nothing within those portions of the *Fuller, et al.* '945 reference supports the Examiner's interpretation. Therefore, there is no *prima facie* case of anticipation.

Assuming that the Examiner did intend to apply the *Fuller, et al.* '824 reference or the *Fuller, et al.* '569 reference, which was filed on the same day as the *Fuller, et al.* '824 reference under 35 U.S.C. § 102, there is no anticipation. The *Fuller, et al.* '824 reference and the *Fuller, et al.* '569 reference do not describe any relationship between the hitch spring elements 52 on the one hand and the cylinders 42A and pistons 42B on the other hand that could possibly lead a person skilled in the art to come to the conclusion drawn by the Examiner in the Office Action. There is nothing within the text of the *Fuller, et al.* '824 reference or the *Fuller, et al.* '569 reference that would support a conclusion that either of the references discloses an arrangement as recited in Applicant's claims.

None of Applicant's claims are anticipated and the rejection should be withdrawn.

The rejection under 35 U.S.C. § 103 based upon two of the *Fuller, et al.* references.

There is no *prima facie* case of obviousness. As explained above, none of the *Fuller, et al.* references supports the Examiner's conclusions regarding responding to tensions above and below a selected threshold. Therefore, even if the references were combinable as suggested by the Examiner, the result would not be what the Examiner states in the Office Action. Therefore, there is no *prima facie* case of obviousness.

The rejection under 35 U.S.C. § 103 based upon one of the *Fuller, et al.* references combined with *O'Donnell, et al.* reference

As explained above, none of the *Fuller, et al.* references teach what the Examiner contends. Therefore, even if the combination of any of the *Fuller, et al.* references and the *O'Donnell, et al.* reference could be made, the result would not be what the Examiner states in the Office Action and, therefore, there is no *prima facie* case of obviousness.

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Moreover, the combination cannot be made. The Examiner proposes to take some of the elements of the arrangement in one of the *Fuller, et al.* references away from the car location and place them on a counterweight. The *Fuller, et al.* arrangements, however, are particularly designed for use with an elevator car to address the elevator motion control strategy explained in those references. If one were to remove the termination from the car and place it on the counterweight, the intended result of the *Fuller, et al.* references could not be achieved. Such a modification to a reference cannot be made. There is no *prima facie* case of obviousness.

The rejection under 35 U.S.C. § 103 based upon the proposed combination
of one of the *Fuller, et al.* references and the *Wagatsuma, et al.* reference

There is no *prima facie* case of obviousness. As explained above, the *Fuller, et al.* references do not support the Examiner's interpretation. Therefore, even if one of the *Fuller, et al.* references and the *Wagatsuma, et al.* reference could be combined, the result is not what the Examiner states in the Office Action.

Moreover, the combination cannot be made. The *Fuller, et al.* references locate components on an elevator car to achieve a desired elevator car motion control. If one were to remove those components and place them in a fixed position relative to a machine in a machine room, for example, the intended result of the *Fuller, et al.* references would not be achievable. Such a modification to a reference cannot be made when attempting to establish a *prima facie* case of obviousness. Therefore, the combination cannot be made.

Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,
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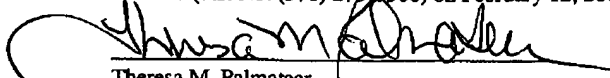
Dated: February 12, 2007

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CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration, relative to Application Serial No. 10/564,873 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on February 12, 2007


Theresa M. Palmateer

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